

Affordable Housing Funding Notice

Oregon Housing and Community Services



MULTIPLE AWARD OPPORTUNITY

NOTICE OF FUNDING AVAILABILITY (NOFA) #2022-7

Affordable Rental Housing Preservation Projects

NOFA Issued Date: **September 30, 2022**

Pre-Application Due By: **October 20, 2022**

Application Due Date: **January 31, 2023**

Application Due Time: **4:00 PM PST**

Version 1.1



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1.0 INTRODUCTION

1.1 Purpose

The Oregon Housing and Community Services Department (“OHCS” or “Department”) is seeking applications (“Applications”) in this Notice of Funding Availability (“NOFA”) for the preservation of multifamily residential rental housing developments (“Projects”) statewide that serve qualified low-income households.

1.2 Definitions

For purposes of this NOFA, the following terms shall have the following meanings:

Affirmatively Furthering Fair Housing (AFFH): Is a provision of the 1968 federal Fair Housing Act¹ that requires all federal departments and agencies, as well as grantees of federal funding, to administer their programs and activities relating to housing and urban development in a manner that affirmatively furthers the purposes of the Fair Housing Act. Since the Fair Housing Act has two primary purposes – to prevent discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability and to reverse housing segregation – affirmatively furthering fair housing is fulfilling the dual purpose of the law. Specifically, as enforced by the U.S. Department of Housing and Urban Development (HUD), affirmatively furthering fair housing means engaging in meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity based on protected characteristics by replacing segregated living patterns with truly integrated and balanced living patterns that foster inclusion, by transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and by ensuring compliance with civil rights and fair housing laws.

Agreement Documents: the legal funding documents, the final form of which are satisfactory to OHCS, in consultation with the Oregon Department of Justice and executed in connection with the Project.

Allocation: includes any funding allocated under this NOFA.

Applicants: persons or entities submitting an Application responsive to this NOFA and assuming the responsibility for complying with all funding requirements and ownership.

Culturally Responsive Organization (CRO): an entity that comprehensively addresses power relationships throughout the organization from the types of services it provides, how it

¹ For further information, see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608, and Executive Order 12892.

maximizes language accessibility to its human resources practices, i.e. who the CRO hires, the skills the employee bring to the CRO, how employees are prepared and held accountable, to its cultural norms, its governance structures and policies, and its track record in addressing conflicts and dynamics of inclusion and exclusion, to its relationships with racial groups in the region, including its responsiveness to expectations. A Culturally Responsive Organization is one that is dynamic, on a committed path to improvement, and hardwired to be responsive to the interests of Communities of Color, service users of color and staff of color. Culturally Responsive Organizations hire and train culturally and linguistically diverse staff to meet the needs of the diverse communities they serve. * ²

Culturally Responsive Services (CRS): means services that have been adapted to maximize the respect of, and relevance to the beliefs, practices, culture, and linguistic needs of, the diverse client populations and communities being served, including clients and Communities of Color. Cultural responsiveness describes the capacity to respond to the issues of diverse communities. Culturally responsive services assure competent language access and incorporate diverse cultural approaches, strengths, perspectives, experiences, frames of reference, values, norms and performance styles of clients and communities to make services and programs more welcoming, accessible, appropriate, and effective for all eligible and intended recipients. * ³

Electronic Signature: in the case of the Pre-application and Full Application, means typing your name into the signature field and submitting the application. With such signature, Applicant attests that it will meet and comply with all the requirements and conditions of the NOFA, Pre-application, and Full Application.

Federal Rent Assistance property: means any Project with at least twenty-five percent (25%) of the units having an existing federal Project Based Rent Assistance Contract.

For preservation portfolio transactions involving scattered site Projects with multiple locations, the twenty-five percent (25%) minimum is calculated based on the total of all units in the transaction.

OHCS Guidelines: Can be found online at www.oregon.gov/ohcs/ in the “grants and tax credits” link. For the purposes of this NOFA, applicable guidelines include but are not limited

² Adapted from Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). *Protocol for Culturally Responsive Organizations*

³ Adapted from Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). *Protocol for Culturally Responsive Organizations*

to the General Policy & Guidance Manual (GPGM), General Housing Account Program manual (GHAP Manual), and Core Development Manual (CDM).

Physical Condition Risk of Loss: at risk of loss due to issues arising from physical conditions such as health and safety repair needs, the need for substantial critical rehabilitation, and building condition as documented in a Capital Needs Assessment.

For transactions involving scattered site Projects with multiple locations, the majority of the projects included in the scattered site must have health and safety repair needs validated through a Capital Needs Assessment to be eligible for funding consideration under this category.

Portfolio property: project that has OHCS resources and restrictions on the property.

For transactions involving scattered site Projects with multiple locations, all projects must have OHCS resources and restrictions.

Risk of Expiration:

1. **HUD Section 8 Project-Based Rental Assistance Contract** is expiring within seven (7) years of the date of the OHCS NOFA application; or
2. **USDA Rural Development (RD)** direct mortgage is maturing within seven (7) years of the date of the OHCS NOFA application; or
3. **USDA Rural Development project** has a pending prepayment request (Note, USDA Rural Development projects with a maturing mortgage within 3 years of the date of the OHCS NOFA application, or where the Owner's prepayment request has been approved, will be prioritized in the scoring and selection.); or
4. **Project includes Public Housing Units** undergoing a preservation transaction involving a comprehensive recapitalization, including those converting to HUD Section 8 projects under the HUD Rental Assistance Demonstration OR the project is under the HUD Section 18 Demolition and Disposition Programs; or
5. **Portfolio Property:** has primary funding source restrictions expiring within seven (7) years of the date of the OHCS NOFA application.

For portfolio transactions involving scattered site Projects with multiple locations, at least one (1) of the properties in the portfolio transaction must have a HUD Project-Based Rental Assistance Contract that is expiring within seven (7) years of the date of the NOFA application, or a USDA Rural Development direct mortgage that is maturing within seven (7) years of the date of the NOFA application.

Procore™ WorkCenter: is a secure web-based portal developed by ProLink Solutions™ and used by OHCS. OHCS establishes a project specific “WorkCenter” for each funding application/project. Project specific Procore™ Workcenters serve to facilitate secure electronic document submission and project team task management and act as a project communications hub for the project team and Department staff assigned to the project.

Qualified Nonprofit Organizations: means a nonprofit organization described in Section 501(a) and Sections 501(c)(3) or 501(c)(4) of the Code, that has as one of its exempt purposes “fostering of low-income housing”. Further, the organization must materially participate (meaning, as described in IRC Section 469(h), it must be involved on a regular, continuous, and substantial basis) in both the development and operation of the project throughout the Project Compliance Period. The organization must not be affiliated with or controlled by a for-profit organization, entity, or individual but may be part of a partnership.

Regional Area(s): Refer to Rural Areas and Urban Areas defined below.

Regional Set-Aside: Funding reserved for a specific geographic Regional Area.

Rural Areas: Communities outside of the Portland Urban Growth Boundary with a population of 15,000 or less in counties within Metropolitan Statistical Areas (MSAs) (Benton, Clackamas, Columbia, Deschutes, Jackson, Josephine, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill Counties) and in communities with a population of 40,000 or less in the balance of the State.

Note: A community may be considered rural if it had been under the population threshold within the past three (3) years of published data, and if its current population is within five (5) percentage points of eligibility.

Urban Areas: Areas which serve all other parts of Oregon that are not included in the “Rural Areas” definition.

Scattered Site Project: A project that contains development on multiple non-contiguous sites. If scattered site projects are in both urban and rural set-aside areas the project will be allocated funds in proportion to the unit distribution across both set-aside areas.

Sponsor means any entity that represents an applicant or co-applicant in a proposed or funded project.

1.3 Funding Sources and Set-Asides

Funds for this NOFA are derived from State and Federal sources. These funds include the following:

Funding Source	Amount
Preservation Funds*	\$62,500,000
Oregon Affordable Housing Tax Credits (OAHTC)	Based on permanent loan amount from lender
State GHAP Resources**	\$10,000,000
4% Low-Income Housing Tax Credits (LIHTC)/Private Activity Bonds (PAB)***	\$60,000,000

*Any funds left in the Preservation and PuSH Preservation Pools in the Combined Pools Application will be rolled over into the Preservation NOFA and added proportionally to these set-asides.

**Gap funds must be used to add net-new units to the Project.

***Private Activity Bond commitment will be subject to availability which may result in projects not being able to close on their funding until 2025 depending on prioritization.

1.4 Subsidy Limits

Funding will be split equally between Urban and Rural regional set-asides. Within those regional set-asides, the Preservation Funds will be made available for the following preservation activities by the listed amounts. Projects can encompass more than one Preservation Activity.

Preservation Activity	Rural Set-Aside	Urban Set-Aside
Federal rent assistance at risk of expiry	\$9,375,000	\$9,375,000
Portfolio properties at risk of expiry	\$12,500,000	\$12,500,000
Physical condition at risk of loss	\$9,375,000	\$9,375,000

The following per unit maximum subsidy limits will apply when a project requests Gap Resources to include net-new units:

	Studio	1 Bedroom	2 Bedroom	3 Bedroom
Urban	\$90,000	\$150,000	\$210,000	\$270,000
Rural	\$110,000	\$170,000	\$230,000	\$290,000

1.5 NOFA Requirements

In addition to any other requirements in this NOFA, the following requirements apply to all Projects funded through this NOFA (“Project Requirements”):

Eligible Activity

1. Any request for funds shall not exceed the available funds offered through this NOFA and any request for funds shall not exceed the maximum per-unit subsidy permitted in section 1.3 and per project request listed in section 1.4.
2. Projects involving the permanent relocation of existing tenants will not be accepted; temporary relocation of tenants is acceptable.
3. Applications must include a request for Preservation funds, applications that do not request Preservation funds will be rejected
4. Applicants may only submit one Application per Project site. OHCS will only accept one Application for a specific site or for any part of the same site, regardless of whether Applications are submitted by the same Applicant or by multiple Applicants.
5. Each Applicant may submit up to two applications in response to this NOFA.

Project Requirements

1. Projects must be owned by a single asset entity (SAE). The SAE must be established prior to construction closing or disbursement of any OHCS funds.⁴
2. The Project must offer long-term leases (one year or more).
3. Project budgets must include Preservation funding offered through this NOFA. For example, a project may not request 4% LIHTC and/or State Gap Resources without a request for Preservation funds.
4. Preservation funding awarded through this NOFA must preserve existing affordable housing within the guidelines established by the definition of Preservation.
5. All Projects must comply with applicable labor laws. Projects must contact the Oregon Bureau of Labor and Industries (BOLI) and receive a determination of project labor wage requirements prior to construction closing.
6. In a mixed-use Project, commercial income may not be used to support the low-income residential Project.

Affordability Periods and Funding Source Restrictions and Requirements

1. All projects must agree to a 60-year affordability period.
2. Preservation Projects using OAHTC are exempt from Pass Through requirements.
3. Projects requesting OAHTC must be able to demonstrate project viability before OAHTC interest rate reductions are included.
4. Applicants may choose to request 4% LIHTC and tax-exempt conduit bonds as a funding source. Applicants who request use of this source must include all the components of

⁴ OHCS may at its sole discretion waive this requirement if it finds it unreasonably inhibits the project.

the 4% LIHTC program including Project feasibility review and due diligence associated with the 4% LIHTC Program. These materials must be submitted with the full application. More information on the 4% LIHTC Program can be found here:

<https://www.oregon.gov/ohcs/development/Pages/nofa-four-percent-lihtc.aspx>

5. Due to the limited amount of Private Activity Bonds (PABs), OHCS may not be able to meet all requests for PABs and applicants are encouraged to limit their requests for PABs, if possible.
6. Income and Rent restrictions are based on LIHTC program limits, which are defined by HUD's Multifamily Tax Subsidy Projects (MTSP) Income Limits, which can be found here (add link to the OHCS page that lists income limits and rent limits).

Underwriting Guidelines

Underwriting guidelines are used by OHCS in its due diligence and Application review process to ensure ongoing Project viability and risk mitigation throughout the Application process and development. This includes, but is not limited to:

1. The Project must demonstrate with OHCS's Application Proforma a minimum debt service coverage ratio of 1.20 on all "must-pay" debt.
2. 7% vacancy rate.
3. 2% annual escalation of rents and 3% annual escalation of expenses.
4. No operating reserves may be funded with OHCS funds awarded through this NOFA.
5. No more than 10% of funds can be used to capitalize construction replacement reserves.
6. The initial capitalized operating reserve needs to be equal to six months of the operating expenses and debt service as shown in the application on the Operating Budget sheet. (Note: the application must show annual expenses. The annual expense amount must be divided by two to calculate expenses for six months.)
7. Minimum annual replacement reserve deposit of \$500 per unit with a minimum balance requirement of that rate multiplied by the number of units, multiplied by 24-months unless otherwise required by other funding sources. The annual replacement reserve amount will be evaluated with the property's annual financial review for consideration of a 3% increase each year. No maximum account balance shall be determined unless a limit is established in the loan documents.
8. Prior to closing, a Phase 1 Environmental Site Assessment (ESA) is required. The study must be no older than one year from the date of Application. If a Phase 1 ESA has already been performed in this timeframe, it must be submitted with Site Review Checklist.
9. OHCS requires a 10% holdback of the Preservation award through project completion.
10. If other public capital or operating subsidies are used in financing the Project, relevant requirements of those subsidy sources will also apply.
11. Contingency must be ~~at least~~ no more than 10% and escalation of costs ~~must~~ should be ~~at least~~ no more than 53%. Any escalation above 3% should be well-documented and explained.

Compliance Monitoring

Compliance monitoring will be sufficient to cover the due diligence of OHCS. A compliance monitoring charge of \$25 per rental unit is required annually. This charge may be adjusted over time by OHCS at its sole discretion. Monitoring will address elements of Project operation, including but not limited to:

1. Program Compliance: OHCS will monitor for program compliance by conducting reviews every 1-3 years that include an audit of the tenant files. The tenant files will be reviewed for total household income and other requirements at initial move-in and annual recertification (including self-certifications).
2. Communication: OHCS will consider Owner/Management responsiveness to reporting as well as communication with OHCS staff. The Owner's Annual Certification of Continuing Program Compliance (CCPC) will also be required.
3. Property Maintenance (Portfolio Administration): OHCS will conduct risk-based physical inspections every 1-3 years based on the condition of the property.
4. Financial Performance (Portfolio Administration): OHCS will perform a risk-based analysis of required annual financial reports.

Layering Restrictions

If public capital or operating subsidy are used from other funding sources besides Preservation funds, relevant compliance requirements of those sources also apply. For example, if 4% LIHTCs are used, all 4% LIHTC compliance requirements, including increased compliance monitoring charges apply. In general, where there are overlapping restrictions, the most restrictive at any given time apply.

Minority, Women, Emerging Small Businesses (MWESB)

OHCS requires participants to seek COBID and non-COBID MWESB professional firms to increase the participation level of minority-owned businesses in its construction project to meet OHCS's MWESB goal. OHCS also encourages the utilization of local labor and partnering with the community to help build healthy, affordable homes, which addresses OHCS's goal of increasing apprenticeship programs in Oregon and improving economic and social vitality while increasing pathways out of poverty.

Applications will be scored on their approach to MWESB engagement and contracting and how well this implements the OHCS MWESB policy. OHCS MWESB Manual and reports can be located at: <https://www.oregon.gov/ohcs/development/Pages/mwesb-sdvbe-rental-housing.aspx>

All Applicants will be required to identify an approach and benchmarks that they will use to contract with MWESB COBID contractors/subcontractors. This includes, but is not limited to, consultants hired from design to lease up and management, such as architects, legal

representation, relocation services, environmental services and a wide spectrum of trades and business sectors within the planning, construction, and operation of the proposed Project.

The general contractor and the developer may utilize and include non-COBID certified BIPOC and other qualifying firms as stated above, in their MWESB reporting, provided that the MWESB firm listed will be encouraged and assisted with becoming a COBID certified firm prior to construction completion of the Project.

1.6 Reservation Process

Application Ranking

1. Funds will be reserved to projects on a competitive basis based on the scoring criteria in Section 3. Projects will be ranked in order from highest to lowest score.
2. For applications to receive a score, they must first meet Threshold Requirements (section 3.1).
3. To be eligible for a reservation of funds, Projects must score a minimum of 84 points (60%) out of a total of 141.
4. Projects will be grouped by their Regional Set-Aside and selected in those set-asides for a reservation of funds based on their score until remaining Projects can no longer be fully funded with funds held in that set-aside. OHCS retains the right to add funds to a geographic set-aside at its discretion. Any remaining funds will be pooled and used to fund the next highest scoring project statewide that can be fully funded with remaining resources.
5. Projects with scattered sites in both Rural and Urban Areas will be allocated funding proportional with the number of units in each regional set-aside in Project.
6. During the scoring and reservation process, limits on the remaining available funding may result either in lower-ranked Applications receiving a reservation of funding under this NOFA ("Reservation") if higher-ranked Applications would require funding that exceeds the amount that remains available for reservations, or OHCS may leverage other OHCS resources to fully fund the higher-ranked Application(s) at its discretion.

Tie Breaking Rule:

If the total score of two or more Applications result in a tie and funding availability is insufficient to fund all tied Applications, the following criteria, in order of priority, will break the tie:

1. The Application with the highest Community Need score will receive a Reservation.
2. If the Community Need scores are tied, the Application serving households with the lowest Average Median Family Income will receive a Reservation.
3. If the Average Median Income is tied, the Application with the most units being preserved through this NOFA will receive a Reservation.

Selections and Recommendations for Funding Reservations:

1. After scoring is completed and Applications are prioritized for funding according to the **Application Ranking** and **Tie Breaking Rule** sections, Application selections will be presented to the Housing Stability Council for approval of funding.
2. The final selection of Applications for Reservation, if any, will come from those Applications that best meet the competitive scoring requirements, and are then supported by OHCS's Executive Team, approved by the Housing Stability Council ("Council"), and made based on availability of Funds.
3. Applicants, if any, that OHCS determines to provide a Reservation of funding pursuant to this NOFA will be designated as awardees ("Awardee(s)") in the Reservation and Conditions Letter (RCL) issued by OHCS. All Reservations are conditional in nature, contingent upon the terms upon which they are made, approval by the Council, the continuing availability to OHCS of the described funds or tax credits (collectively or individually without distinction, "Funds"), the continuing authority of OHCS to disburse or allocate such Funds, and the successful negotiation, execution, and recording (if required) of the Agreement Documents.

2.0 APPLICATION REQUIREMENTS

2.1 Pre-Application and Application Access

The NOFA application is a two-step process that requires submission of a pre-application with a Site Review Checklist, Real Estate Schedule of Holdings, and a full application as described below:

Step 1: Pre-Application Process:

1. Download the pre-application, Site Review Checklist, and Real Estate Schedule of Holdings from OHCS's website: <https://www.oregon.gov/ohcs/Pages/multifamily-housing-funding-opportunities.aspx>
Please Note: if reusing a site review checklist from a prior NOFA submission it must have been completed within 12 months of the current pre-application deadline.
2. Submit the completed pre-application and Site Visit Checklist with the subject line **"2022-7 Preservation NOFA Pre-App Submission"** to MFNOFA@hcs.oregon.gov.
3. This action will alert OHCS staff to generate a Procorem WorkCenter. Procorem will send a system-generated email invitation with the credentials to access your project WorkCenter. The WorkCenter will have the full application and supporting documents for you to access and complete the NOFA application. This step must be completed no later than close of business on the deadline for the pre-application, **October 20, 2022**.
4. OHCS intends to have a Procorem WorkCenter, and credentials created within

three business days of receiving the pre-application submission. Applicants are required to follow the instructions in the system-generated email invitation from Procorem to log into a designated WorkCenter.

Full Application Access

1. From the assigned Procorem WorkCenter, Applicants will be able to download the full application and supplemental documents from the “Application Submission” folder.
2. Once downloaded, Applicants may complete the full application and supplemental documents
3. Applicants must upload the completed application and all supplemental materials to the “add name of file from WorkCenter here” folder prior to the application deadline. Once the deadline has passed, Applicants will no longer have access to their project WorkCenter

Please Note: applications can only be submitted electronically through the assigned Procorem WorkCenter. Hard copies, faxes, and electronic copies not submitted through Procorem will be automatically rejected and will not be reviewed or considered for funding.

Applicants will be given five (5) days to submit any missing documentation. After that grace period, OHCS will consider submissions lacking required documentation as non-responsive and will be and be disqualified from further consideration, pending a review from the program manager and assistant director.

2.2 Step 2: Application Submission

Applications and associated charges must be received by OHCS no later than:

January 4, 2023, at 4:00 PM PST

1. **Applications:** Applications, along with all required materials and documentation, must be uploaded to your Procorem WorkCenter by the Application due date and time: January 4, 2023, at 4:00 PM PST.

Applications in response to this NOFA can only be submitted through Procorem.

2. Charges:

All Applicants must submit application charges via mail. OHCS cannot accept any electronic payments.

Applicants must submit the Application charges to the address below along with the transmittal form provided as part of the application materials in Procorem. All submissions of Application charges must be postmarked no later than **January 4, 2023**. If the Application charge is not postmarked by the Application deadline, the Application will be automatically rejected and considered ineligible for funding.

Send Application Charges to:
Oregon Housing and Community Services
NOFA #2022-7 Application Charge
Attn: Financial Services
725 Summer St. NE, Suite B
Salem, OR 97301

Applications that are complete and meet all submission requirements of this NOFA will be evaluated in accordance with the process described in section 3.0 (Evaluation Process).

2.3 NOFA Questions

Inquiries relating to the NOFA process, its administration, or the technical portions of the NOFA should be directed to: MFNOFA@hcs.oregon.gov.

The last day to submit questions relating to this NOFA is December 9, 2022.

Please note "**2022-7 Preservation NOFA**" in the subject line. Frequently Asked Questions (FAQs) and answers will be posted on the OHCS website and NOFA workcenters at regular intervals during the time that the NOFA response period is open. When appropriate, revisions, substitutions, or clarifications shall be issued as a Technical Advisory and considered a revision to this NOFA.

Changes or modifications to the NOFA requirements will **ONLY** be recognized if in the form of a written Technical Advisory (TA), issued by OHCS. OHCS shall post the TAs on OHCS' Housing Development page: <https://www.oregon.gov/ohcs/development/Pages/technical-advisories.aspx>

3.0 EVALUATION PROCESS

After the Application submission deadline, Applications will undergo Threshold Review (described in Section 3.1) which includes reviewing the timeliness, completeness, and pass/fail criteria. Applications that satisfy Threshold Review will move on to scoring.

3.1 Threshold Review Determination

Applications determined by OHCS to be incomplete, to not meet all submission requirements of this NOFA, or that otherwise fail to satisfy Threshold Review requirements will be rejected without further review. Complete Applications, meeting all submission requirements, and otherwise satisfying all Threshold Review requirements will be scored based on criteria listed in section 3.3.

3.2 Threshold Requirements

Timeliness and completeness

Each Application will be reviewed for timeliness and completeness of the NOFA requirements. The following are Pass/Fail criteria:

1. Application and all required materials properly submitted and received by due date and time as required in Section 2.2
2. Charge Transmittal Form and Application Charge sent by required date
3. The Project meets the required Project requirements listed in Sections 1 and 2.

Resident Services Description

Applicants are required to include a Resident Services Description with their Application. This description should reflect the coordination, collaboration, and community linkages that will provide residents access to appropriate services, promoting self-determination, independent living, and opportunities to improve their lives.

Please note that the information provided in the Applicant's Resident Services description should reflect the stated priorities of the competitive scoring, including the population served. The affirmative fair housing marketing plan should also reflect the stated priorities of the competitive scoring.

The resident services described in the Application are expected to be substantially in line with the Project's final Management Agent Packet (Project Management Agreement and Resident Services Plan) if the Application receives a reservation of funds.

The Applicant's Resident Services Description should be as detailed as possible providing local context, explaining assumptions, and detailing reasons for the proposed resident services approach including: the services, the partners, and partnership arrangements.

Tenant Survey with Demographic Data

Applicants are required to include a Tenant Survey with their application. The Tenant Survey must accurately report on the income levels of the existing tenants and include information on the number and demographic makeup of residents in each unit. The demographic reporting on the Tenant Survey is requested but not mandatory for tenants.

Ownership Integrity

Applicants must adhere to the following:

1. Neither Applicant nor any member or principal within the Project ownership or management will have been convicted of fraud, misrepresentation, theft, or other moral turpitude within the previous ten years.
2. Neither Applicant nor any member or principal within the Project ownership or management will have been involved in a bankruptcy proceeding within the previous five years.
3. Neither Applicant nor any member or principal within the Project ownership or management will have been debarred or otherwise sanctioned by OHCS.

Readiness to Proceed

Applications must demonstrate the Project's readiness to proceed based on zoning and site control:

1. **Zoning:** The Project must be properly zoned for the type of intended Project. The Applicant must provide the Certification of Zoning executed by the appropriate zoning authority to verify this. Projects that must complete a zoning change to develop the Project will not be funded. A Certificate of Zoning form is provided in the Project WorkCenter.
2. **Site Control:** Applicant must have control of the land necessary for the Project by the Application deadline. Site Control information is provided in the application and Site Control evidence must be uploaded along with the Application. Options or Purchase and Sales agreements must be valid through the end of calendar year 2023.

Federal Funding Status

Where the Applicant has identified federal resources (such as rental or capital assistance from the US Dept. of Housing and Urban Development (HUD), US Dept. of Agriculture-Rural Development (USDA-RD), or Veterans Affairs (VA)) as part of the funding structure, the Applicant must provide evidence satisfactory to OHCS that an application for these resources has been submitted and remains active or that demonstrates that the sources are secured for the Project. For USDA-RD, this is a Pre-Application Consultation Letter that includes the contact and a summary of the understanding established to-date as well as expectations about the next steps in the process.

Applicants should provide this information in the "Notes" cell on the Budget Sources worksheet in the Application. Any evidence should be uploaded in the final submission folder and named "Federal Resources Evidence".

Adequacy of Development Schedule

1. Within the development schedule provided in the Application, the Applicant must demonstrate compliance with the required deadlines for all applicable funding programs for which they are applying.
2. The Applicant's development schedule must clearly demonstrate that the Project will be ready to close within ~~240 days~~ 12 months of a reservation of funds from OHCS. Additionally, the schedule must show that funds will be invested, the Project will be constructed, leased, and stabilized within all required Program timeframes. These deadlines are published in the applicable OHCS Program Manuals and available on OHCS's website.

Adequacy of the Site Review Checklist

Applicants must have identified if there are any adverse environmental or site condition concerns indicated on the Project Site Checklist submitted at the time of pre-application that may make the Project or construction unsuitable. Depending on the impact to the Project, the Applicant must provide a satisfactory mitigation plan for any materially adverse information revealed in the Project Site Checklist or subsequently identified.

Each of the following items must be included with your Application submission:

1. Includes fully completed and signed checklist.
2. Includes appropriate Radon and USGS maps.
3. Includes the distances to various retail and public services, public transportation, and schools along with a labeled vicinity map.
4. Detailed nature of existing structures on the site including recent onsite photos.
5. Historic preservation (documented via information from SHPO, local historical societies, city, or county planners, or interested Tribes, if applicable),
6. Flood plain and wetlands issues (documented by FEMA FIRMet map).
7. Solid waste, wastewater, and storm water plans.
8. Federally Listed Species and Designated Critical Habitats.

Depending on the environmental impact to the Project, the Applicant must provide a satisfactory mitigation plan for any materially adverse impact indicated in the Project Site Checklist.

Core-Development Documents (CDD)

Applicants must submit Core-Development Documents ("CDDs") located in Part 3 of the Core Development Manual (CDM). All Projects provided a reservation of funding through this NOFA must adhere to the CDM Version 3.1.

Development Team Capacity

Define the Development Team Capacity by filling out the narratives tab of the Application to respond to the following criteria.

1. Construction Experience:
 - a. Applicants must have and demonstrate a successful history of leading residential construction development of projects of similar (or larger) size and scope, such as, mid-rise versus high-rise, wood frame versus steel, and new construction versus rehabilitation construction.
 - b. If experience is limited, the Applicant must demonstrate mitigation for this concern, for example, by partnering with a consultant or other experienced entity.
2. Financing Experience:
 - a. Applicants must have a successful history of closing the requested combination of financing, such as federal or state tax credits, mortgage financing, HUD HOME or HTF funds, and other grant or government funding programs.
 - b. If experience is limited, the Applicant must demonstrate mitigation for this concern, for example, by partnering with a consultant or other experienced entity.
3. Development Team Experience:

Applicants can demonstrate experience for this category by providing evidence of the following:

 - a. Management of similarly comprised development teams.
 - b. Explanation of the development team's experience with Projects of this type, size, and scope.
 - c. If an Applicant has multiple Project reservations, provide an explanation of how the development team has the capacity to simultaneously support all Projects administratively and financially.
4. Financial Capacity:
 - a. The Applicant's financial condition must not indicate any adverse conditions that might materially impair the Applicant's ability to perform the financial obligations as Sponsor during the construction or stabilization of the Project.
 - b. Provide an update to the Real Estate Owned Schedule to include current funding type(s), related restrictions, and expiration timelines. The Applicant's existing real estate portfolio must be stable and self-supporting.
 - c. The Applicant's real estate holdings must be uploaded to the Project WorkCenter as a separate document.

3.3 Competitive Scoring

If the Application meets the criteria set out in Sections 3.1 through 3.2 above, then the Application will be competitively scored according to the scoring criteria described below.

Risk of Expiration (up to 10 points)

1. Risk of Expiration If, a Project preserves rental subsidies in rural and urban areas that are due to expire, or RD mortgages mature within 36 months from the due date of the

Application. Applicants must submit supporting documentation that clearly demonstrates the rent assistance loss within 36 months. **(10 points)**

2. Risk of Expiration If, a Project preserves rental subsidies that are due to expire, or mortgage matures within 60 months from the due date of the Application. Applicants must submit supporting documentation that clearly demonstrates the rent assistance loss within 60 months. **(5 points)**

Must provide evidence of expiration date as supplemental document to the NOFA application

Affordable Housing Stock Preservation (5 points)

A project in an area where the total units represent greater than 30% of a city's or county's affordable rental housing stock will receive 5 points. Applicant must calculate what percentage of the total units their project represents using the OHCS Housing Inventory located here: <https://www.oregon.gov/ohcs/development/Pages/housing-data-analysis.aspx>

If Scattered Site Project, this should be the case in each location where sites are included in the project.

Risk of Loss due to Building Conditions (10 points)

A project in need of both building envelope and major system component replacement within the next two years will receive 10 points. The CNA must identify one or more building envelope components in need of replacement within the next two years and two major system components also in need of replacement within the next two years to receive points. Must be supported by a Capital Needs Assessment (CNA) no older than 12 months at time of application

If Scattered Site Project: more than 50% of units must be in sites that meet the above criteria, and all units must be in sites where the CNA has identified envelope and major system needs.

Risk of Loss due to Health and Safety Repair Needs (10 points)

Applicant's CNA identifying 10% or more of the units off-line due to health and safety repair needs in the report to receive 10 points.

1. If scattered site, 10% or more of all units in the application would need to be identified as off-line for health and safety repair needs to qualify for points.
2. Sites with a minimum of 10% of the total units off-line due to health and safety hazard code violations or unresolved critical repairs will receive 10 points.
3. A minimum of 10% of the total affordable housing units or three units, whichever is greater, is required to receive 10 points.

Risk of Loss due to Substantial Critical Rehabilitation (10 points)

The Proposed Scope of Work and Construction Cost Estimate must show that a minimum of 60% of the total budget cost is dedicated to the cost of critical repairs to receive the 10 points.

Small Projects (up to 5 points)

1. Projects with a unit count between 5 and 40 units will receive 5 points.
2. Portfolio Transaction projects where the average site unit count is 25 and together the portfolio does not exceed 80 units will receive 3 points.

Tenant Impact (up to 15 points)

1. Vulnerable Tenant Displacement
 - a. **5 points**, if more than 60% of the Project units are occupied by a vulnerable population (includes, but is not limited to, frail elderly, disabled, large families, special needs populations, service dependent, who would face hardships from relocation
 - b. **3 points**, if 40%-60% of the Project units meet the above requirement
 - c. **1 point**, if 20%-39% of the Project units meet the above requirement
2. Extremely Low Income
 - a. **5 points** if greater than 60% of the units are affordable at or below 30% of Area Median Income (AMI) or Median Family Income (MFI)
 - b. **3 points** if 40%-60% of the units are affordable at or below 30% AMI or MFI
 - c. **1 point** if 25%-39% of the units are affordable at or below 30% AMI or MFI
3. Percentage of Rent Assisted Units / Tenant Rent Burden for non-rent assisted units. (where projects are not 100 percent rent assisted, data on existing tenant rent burden needs to be provided for all non-rent assisted units along with a forecast of rent burden that aligns with pro forma modeling)
 - a. **5 points** if more than 75% of the units have new or existing Project Based Rental Assistance or tenant rent burden is not forecasted to exceed 30%
 - b. **3 points** if 50%-75% of the units have new or existing Project Based Rental Assistance or tenant rent burden is not forecasted to exceed 40% over the next 5 years.
 - c. **1 point** if 30%-49% of the units have new or existing Project Based Rental Assistance or tenant rent burden is not forecasted to exceed 50% over the next 5 years.

Demonstration of Financial Viability (up to 10 points)

Note: There has been substantial volatility in material and interest rate markets over the past two years; budgets should be modelled considering anticipated market shifts as OHCS will not be able to provide additional funding to solve future funding gaps.

1. Well-documented and explained construction costs in the Application Proforma. At a minimum, the following criteria will be used to help determine score; however, scorers

may use any part of the proforma and any evidence in the application to help score this section. (Up to 5 points)

- a. Development budget is adequately explained with construction documents & estimates substantially agreeing with the pro forma. Construction & Development contingencies and fees are within OHCS guidelines.
 - b. Contractor overhead, profit and general conditions are within the required range, as identified in the OHCS General Program and Guidelines Manual (GPGM).
 - c. If Commercial Real Estate is included in the Project (i.e., a mixed-used Project), Sources and Uses are provided in the correct column of the proforma.
2. Reasonable request and demonstrated need for resources. At a minimum, the following criteria will be used to help determine score; however, scorers may use any part of the proforma and any evidence in the application to help score this section. (Up to 5 points)
- a. Rents are affordable to the target population, and any project-based rental subsidy is documented.
 - b. Operating expenses are within OHCS guidelines or adequately explained if underwritten to other funding program criteria (FHA, FHLMC, FNMA, USDA).
 - c. Vacancy rate at 7% or adequately explained.
 - d. 2% annual escalation of rents and 3% annual escalation of expenses or adequately explained.

Per Unit Subsidy Request (up to 3 points)

Note: although there is no firm cap on subsidy requests, these points will be awarded based on subsidy requested.

Project Size/Type	Low Per Unit Subsidy	Points	High Per Unit Subsidy	Points
Leveraging 4% LIHTC of any unit count	\$125,000	3	\$150,000	1
40 or fewer Units	\$200,000	3	\$250,000	1
41 to 80 Units	\$175,000	3	\$225,000	1
81 or more Units	\$150,000	3	\$200,000	1

Resident Services: (Up to 7 points)

Urban Areas:

1. 1 point: Need based service plan; if Resident Services Plan includes a comprehensive analysis of target population needs;
2. 1 point: Asset building; if Resident Services Plan incorporates asset building strategies into service delivery; including but not limited to Individual Development Account (IDA)

Program and financial planning where appropriate for target population or workforce training and eviction prevention where appropriate;

3. 1 point: Operating capital; if Resident Services Plan includes funding resident service staff or resources for referral agency;
4. 1 point: Data-centric approach; if Resident Services Plan includes performance tracking and reporting of data;
5. 3 points: Culturally responsive service provider; three (3) points if a resident services provider is culturally responsive.

Rural Areas:

1. 2 points: Need based service plan; 2 points if Resident Services Plan includes a comprehensive analysis of target population needs;
2. 1 point: Asset building; if Resident Services Plan incorporates asset building strategies into service delivery; including but not limited to Individual Development Account (IDA) Program and financial planning where appropriate for target population or workforce training and eviction prevention where appropriate;
3. 1 point: Operating capital; if Resident Services Plan includes funding resident service staff or resources for referral agency;
4. 1 point: Data-centric approach; if Resident Services Plan includes performance tracking and reporting of data;
5. 2 points: Culturally responsive service provider; 2 points if a resident service provider is a culturally responsive service provider.

Must be validated in Resident Services Plan threshold supplement to the NOFA application and pro forma assumptions

Minority, Women, and/or Emerging Small Business (MWESB) Engagement: (Up to 5 points)

This section is scored based on Application responses to the criteria below in the Application's MWESB Engagement Strategy tab:

1. Identify owners MWESB COBID certified and non- certified firm participation goal according to the Project's region and how the goal was determined.
 - a. Include what percentage of the construction cost (including Architect, Engineering, Attorney) participation goal the developer has committed towards MWESB owned subcontractors.
 - b. Explain how percentages were determined.
2. Outline the steps the construction team will take to achieve the owner's MWESB participation goals for subcontractors and suppliers.
 - a. Include what steps will be taken to ensure the developer will meet their participation goal commitment.
 - b. Explain how both the general contractor and the developer will ensure solicitation to the COBID and non-COBID construction community. For example, where will bid

opportunities be publicized, what minority owned, women owned, veterans/service-disabled veteran owned, and emerging small businesses communities will be contacted.

3. Provide a summary of the general contractor's profile and team member demographics.
 - a. Include if the general contractor is a MWESB contractor or COBID member.
 - b. Provide demographics of the general contractor's staff and team members.
4. Provide details for the general contractor's history of addressing MWESB subcontractor diversity, equity, and inclusion in affordable rental housing projects (list any classes, seminars, or programs attended). Include an outline of how the general contractor has engaged with MWESB subcontractor diversity, equity, and inclusion within the last 3 years (projects partnerships, and collaborations).

<https://www.oregon.gov/ohcs/development/Pages/mwesb-sdvbe-rental-housing.aspx>

Location Need Severity – Up to 8 points

1. 2 points: if Severe Rent Burden of city/county is higher than state/region.
2. 1 point: if there is a higher percentage of low-income renters than available low-income housing stock available in city compared to region.
3. 5 points: in areas impacted by the 2020 wildfires and located in a Federally Declared Disaster Area. Additional detail on these points can be found in the established methodology document can be found at the following link and as well as established within the NOFA score sheet.

<https://www.oregon.gov/ohcs/development/Documents/nofa/2021/FederallyDeclaredDisasterArea-PreferenceforNOFA.pdf>

Collaboration (Up to 6 points)

1. Describe each of the partners in the Project and define each of their role(s). These include financial, service providers, managers, consultants, community organizations, culturally specific organizations, and developers.
 - a. Adequately describe partners' roles, 1 point.
 - b. Provide Memoranda of Understanding with any culturally responsive or culturally specific organizations, 1 point.
 - c. Provide proof of compensation for the work done by culturally responsive or culturally specific organizations, 2 points.
2. Explain the leverage of financial resources other than those provided by OHCS in the Project, 2 points.

Project Design (Up to 8 points)

Describe how the Project incorporates and updates building and site features that contribute to the health and overall wellbeing of the residents and community:

1. 2 points, if: landscaping makes use of the natural landscape, native flora, and is responsive to local weather, and includes climate resiliency features.
2. 2 points, if: the project is increasing the total number of accessible or visitable units.
3. 2 points, if: the project design includes any green building or conservational design updates.
4. 2 points, if: project sponsor can show how the residents were engaged in the development of the Project's design.

Portfolio Performance (up to 17 points)

OHCS Portfolio Compliance and Viability Criteria

Applicants with Projects in the OHCS portfolio will be reviewed based on the performance of all Projects in the portfolio, and the average score of all such Projects will be used for purposes of scoring the Application; Applicants without Projects in the OHCS portfolio will be asked to submit a letter indicating their compliance status with any existing Projects. If unreported noncompliance is discovered later, it may be grounds for rescinding awarded credits or negatively impact future applications for funding.

1. Portfolio Project criteria will be calculated for each relevant Project and averaged across the portfolio based on the following performance measures:
 - a. OHCS portfolio Viability Criteria Annual Certification of Continuing Program compliance (CCPC) submission received for current year as required (2).
 - b. Compliance Performance in the areas of:
 - i. Leasing & Occupancy (3)
 - ii. Management (3)
 - iii. Property Maintenance (3)
 - c. Annual Financial Report submission as required (1).
 - d. Most recent Debt Coverage Ratio (3).
2. Real Estate Holdings: Applicants are required to submit a Schedule of Real Estate Holdings (REO schedule) on projects with 10 or more units or when the project cost is more than \$500,000 along with the Pre-Application. While the REO schedule can be provided in a format currently in use by the sponsor or use the OHCS schedule (<https://www.oregon.gov/ohcs/development/Documents/admin/Schedule-Real-Estate-Holdings-Schedule9.xls>), an updated submission of the schedule to include existing funding programs and restrictions for OHCS portfolio properties is required with the full application. Accuracy of that information will be evaluated (2).

If sponsor does not have a project in the OHCS portfolio, must include a letter indicating their compliance status with any existing Projects (if unreported noncompliance is discovered later,

it may be grounds for rescinding awarded credits or negatively impact future applications for funding)

Development Team Capacity (Up to 5 points)

Respond to the following criteria in the application on the narratives sheet.

1. **Construction Experience:** Describe staff experience leading construction development of projects of similar (or larger) size and scope such as mid-rise versus high-rise, wood frame versus steel, and new construction versus rehabilitative construction. If staff experience is limited, discuss whether you will partner with an appropriate party to mitigate this concern, 1 point.
2. **Financing Experience:** Describe staff experience closing the requested combination of financing, such as tax credit, mortgage financing, GHAP funds, and other grant or loan programs. If staff experience is limited, discuss whether you will partner with an appropriate party to mitigate this concern, 1 point.
3. **Management Experience:** Describe the Applicants experience with management of similarly comprised development and or project teams, 1 point.
4. **Development Team Experience:** Describe the development team's experience with projects like that of the proposed Project Application's type, size, and scope, 1 point.
5. **Multiple Project Reservations:** If applicant has multiple project reservations with OHCS, explain how the development team has the capacity to support all projects simultaneously administratively and financially, 1 point.

Readiness to Proceed: Project Development Schedule (Up to 2 Points)

1. Application demonstrates that construction can begin within 12 months of funding reservation, 1 point.
2. The development schedule appears adequate and reasonable, 1 point.

Tribal Participation (5 points)

Five (5) additional points will be given to projects that are sponsored or co-sponsored by a federally recognized tribal government or its tribally designated housing entities or tribal corporate entities. The Project is NOT required to be located on tribal trust land to receive these points.

4.0 GENERAL TERMS AND CONDITIONS

1. Funding in this NOFA is subject to the continuing availability to OHCS of the described funds or tax credits, the continuing authority of OHCS to disburse or allocate such funds or tax credits, and the successful negotiation, execution, and recording (if required) of relevant documents in a manner satisfactory to OHCS.

2. OHCS may require additional information to determine whether an Application satisfies relevant criteria. Any necessary clarifications or modifications normally will be made before OHCS makes any Reservation and may become part of the Agreement Documents but only if affirmatively stated in the Agreement Documents.
3. Submission of an Application by Applicant or acceptance by OHCS of a submitted Application neither constitutes an agreement of any kind between OHCS and Applicant nor does it secure or imply that Applicant will be selected for receipt of a Reservation of Funds.
4. In the event that other OHCS funding sources are awarded to the Project and have additional or other requirements, the most restrictive requirements will apply to the Project. Applicants should review and evaluate other OHCS funding sources they intend to apply for to comprehend the additional restrictions that may be required; this is the sole responsibility of the Applicant and not OHCS.
5. All costs associated with Applicant's submission of an Application are the sole responsibility of the Applicant and shall not be borne to any degree by the State of Oregon.
6. Successful Applicants will be required to maintain appropriate levels of insurance and to comply with the Preservation Project Requirements and other OHCS policies, including execution of the Agreement Documents.
7. OHCS reserves the right and option to amend any Reservation Letter and other related documents that result from a Reservation made pursuant to this NOFA. All such amendments will be in writing and must be signed by relevant authorized parties. Applicants may only apply for funding of one (1) phase of a multi-phase Project under this NOFA.
8. OHCS assesses an Application charge. A check for the Application charge is required at application submission and must be postmarked by the Application due date.
9. ORS 60.701 requires foreign corporations to be registered by the State of Oregon, Office of the Secretary of State, before conducting business in the State. A foreign corporation (ORS 60.001) means a for-profit business corporation incorporated under a law other than the law of the State of Oregon. If a foreign corporation is selected for the Agreement because of this NOFA, it must register to do business in Oregon.
10. OHCS reserves the right:
 - a. to amend this NOFA prior to the closing date;
 - b. to amend the deadline for submitting Applications;
 - c. to determine whether an Application does or does not substantially comply with the requirements of this NOFA;
 - d. to waive any minor irregularity, informality, or nonconformance with the requirements of this NOFA;
 - e. to obtain from and/or provide to other public agencies, upon request, references, regarding the Applicant's performance;
 - f. to reject any Application that fails to comply with the requirements of this NOFA, at any time prior to execution of the Agreement Documents (including after announcement of the apparent Reservation)

- g. to reject all Applications received and cancel this NOFA upon a finding by OHCS that such cancellation would be in the best interest of the State;
 - h. to use adherence with components of the Applicant's Application and this NOFA as consideration for scoring criteria in future multifamily funding solicitations;
 - i. to withdraw any funding source from this NOFA; and
 - j. to waive any term or condition of this NOFA for good cause as determined by OHCS.
11. This NOFA and a copy of each original Application received, together with copies of all documents pertaining to a Reservation, will be kept by OHCS and made a part of a file or record, and be available for disclosure pursuant to the Oregon Public Records Law. All Applications are public record and are subject to public inspection after Agency issues the Award. If an Applicant believes that any portion of its Application contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Applicant must provide in writing its request for exemption from disclosure and a fully redacted version of its Application.
12. Applicants are cautioned that budget information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Application, in whole, as exempt from disclosure is not acceptable. Agency advises each Applicant to consult with its own legal counsel regarding disclosure issues. If the Applicant fails to identify the portions of the Application that an Applicant claims are exempt from disclosure, the Applicant has waived any future claim of non-disclosure of that information.
13. An Applicant or potential Applicant seeking to challenge any aspect of this NOFA is subject to and must comply with the provisions of OAR 813-005-0025, which provide:
- 813-005-0025 Solicitation Protests; Administrative and Judicial Review**
- a. With respect to any solicitation conducted by the department, an applicant or potential qualifying applicant may protest or otherwise challenge such solicitation process by first requesting an administrative review as herein specified.
 - b. With respect to any solicitation conducted by the department, an applicant may protest or otherwise challenge any department determination or order (collectively hereinafter, "determination") related to such solicitation by first requesting administrative review as herein specified.
 - c. A timely, qualifying request for administrative review is necessary to satisfy the conditions of this section and a condition precedent to judicial review consistent with ORS 183.480.
 - d. Failure to file a timely, qualifying request for administrative review with the department will constitute a failure to exhaust administrative remedies and terminate further rights to protest or otherwise challenge the solicitation process or any related department determination, including judicial review thereof.
 - e. An applicant under this section is a person or entity that makes an application (including delivery to the department under the terms of the solicitation) for a department funding award pursuant to a particular department solicitation. A potential qualifying applicant is a person or entity that qualifies to make an application for a department funding award under the terms of a solicitation with

respect to the process of which it requests administrative review consistent with the terms of this section.

- f. An applicant or potential qualifying applicant seeking to protest or otherwise challenge any aspect of a solicitation process (other than a department determination related thereto) must request a review by the department within fourteen (14) days of the Application due date of the solicitation. An Applicant seeking to protest or otherwise challenge a determination by the department related to a solicitation must request review by the department of such determination within fourteen (14) days of the Applicant receiving notice from the department of that determination.
- g. Any request for review under this section must be in writing, specifically identifying:
 - i. The nature of the requestor's interest, including the facts showing how the requestor is adversely affected or aggrieved by the solicitation process or a department determination;
 - ii. The relief sought;
 - iii. Each of the grounds for review;
 - iv. An explanation for each of the grounds upon which relief should be granted; and
 - v. Any supporting information the requestor desires to have considered by the department.
- h. The envelope containing the request for review MUST:
 - i. Be marked PROTEST;
 - ii. Identify the solicitation number;
 - iii. Identify the closing time and date for acceptance of solicitation applications;
 - iv. Identify the department's contact person for the solicitation; and
 - v. Be received by the department at its main Salem Office, Oregon Housing and Community Services 725 Summer Street NE, Suite B Salem, OR 97301, not later than 4:00 PM on the fourteenth (14th) day after the solicitation closing date or the applicant's receipt of notice from the department of the department determination from which review is requested, whichever due date is applicable under this section.
- i. The applicant will be deemed to have received notice of a department determination upon the sooner of:
 - i. Three (3) days after the department's determination is mailed to the applicant;
 - ii. Two (2) days after such determination is posted to the department's website;
 - iii. Two (2) days after the list of successful solicitation applicants is posted to the department's website; or
 - iv. One (1) day after such determination is emailed to the applicant.
- j. The department may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.
- k. The department will endeavor to provide a written response to a timely, qualifying request for review within thirty (30) days.

- l. Judicial review of the department response to a timely, qualifying request for review shall be limited to those grounds the requestor raised with the department in its request for review.
 - m. The filing of a request for review, or subsequent judicial review (if any), will not preclude the department from moving forward with the solicitation or the award of funding assistance thereunder. However, the department reserves the right to delay, terminate, modify, or take other action it determines to be appropriate with respect to a solicitation or any related award of funding assistance in response to a request for review or subsequent judicial review.
14. OHCS' contact person for this NOFA is Martin Jarvis. His contact information is as follows:
Oregon Housing and Community Services
Attn: Martin Jarvis
725 Summer Street NE, Suite B
Salem, OR 97301
Email: MFNOFA@hcs.oregon.gov
15. Reservations, Allocations or Awards by OHCS (collectively, "Determinations") may be subject to Council review under ORS 456.561. Determinations that include additional OHCS funding subject to Council review, are contingent upon Council's approval of those Determinations or supporting funding. The Council may approve, reject, modify, or further condition funding awards submitted for its review, thereby directly or indirectly impacting OHCS' Determinations and Reservations.
16. All Reservations made pursuant to this NOFA are subject to the successful negotiation, execution, and recording (if required) of any and all Agreement Documents. Projects that have only a leasehold interest in relevant real property must also include binding commitments executed and recorded by the landlord satisfactory to OHCS including, but not limited to, restrictive covenants with respect to the ongoing use and operation of the real property and leasehold interest for affordable housing acceptable to OHCS.
17. By accepting a reservation of funding from this NOFA the Applicant must withdraw other funding pursuits through OHCS's future NOFAs for the Project.
18. OHCS may charge, and the Applicant shall pay, legal and administrative costs reasonably anticipated or incurred by OHCS in negotiating and preparing all Agreement Documents or otherwise reasonably incurred. OHCS also may charge and Applicant shall pay any other fees with respect to the Application, ensuing Reservation, Award or Allocation, and Project operation.
19. Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.
20. OHCS reserves all other rights not specifically identified herein, including but not limited to rights, remedies, and requirements established in OHCS administrative rules or other law.